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OFFICE OF PETITIONS

In re Application of
Abdul-Ahad et al.
Application No. 10/815,342
Filed: April 1, 2004
Attorney Docket No. 53208AUSM1

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR § 1.47(a), filed October 4, 2004.

The petition under 37 CFR. § 1.47(a) is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on April 1, 2004, without an executed oath or declaration. Accordingly, on August 3, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of an executed oath or declaration in compliance with § 1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of October 3, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. The \$130.00 petition fee has been charged to deposit account 02-2117. In support of the petition, applicants submitted copies of correspondence which was mailed to the non-signing inventors.

A grantable petition under 37 CFR. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the

petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (2).

As to item (2) the declaration executed by Inventor Gross does not contain the mailing and or residence address of inventors Abdul-Ahad and Gross pursuant to 37 CFR 1.63 (c)(1). A review of the file confirms that such information is not located in an application data sheet pursuant to 37 CFR 1.76. A newly executed declaration or an ADS is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(703) 872-9306
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office 20 th Street S Customer Window, Mail Stop Petition Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

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